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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/597,016

Applicant(s)

HONG ET AL.

Examiner

Nghi H. Ly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 04/25/2006 have been fully considered but they are not persuasive.

On pages 12-20 of applicant's remarks, applicant argues that Canada et al (US 6,301,514), Fiorletta (US 5,289,160), Pearson (US 6,885,862), Gehrig (US 5,937,358), Paneth et al (US 6,014,374), Serikawa et al (US 6,347,092), Poisner (US 6,108,785) and/or Jandrell (US 5,526,357) are classified in different classification.

In response to applicant's argument that Canada et al (US 6,301,514), Fiorletta (US 5,289,160), Pearson (US 6,885,862), Gehrig (US 5,937,358), Paneth et al (US 6,014,374), Serikawa et al (US 6,347,092), Poisner (US 6,108,785) or Jandrell (US 5,526,357) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Canada et al (US 6,301,514), Fiorletta (US 5,289,160), Pearson (US 6,885,862), Gehrig (US 5,937,358), Paneth et al (US 6,014,374), Serikawa et al (US 6,347,092), Poisner (US 6,108,785) and Jandrell (US 5,526,357) teach wireless communication and polling.

On pages 9-20 of applicant's remarks, applicant argues that there is no motivation to combine the references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art in order to warn a driver of a vehicle of low pressure in one or more of it's tires so that the driver may take corrective action before a tire blowout occurs (see Fiorletta, Abstract) *and* in order to provide non-volatile storage of a partial program within each wireless subscriber terminal so that the wireless subscriber terminal need not receive an entire program in a single session (see Pearson, Abstract) *and* in order to enable a caller to contact a system subscriber at any location (see Patel, column 1, lines 1-12) *and* in order to provide a method and device for communication in traffic guidance systems in that the data and voice channels reserved for traffic operation can be better utilized (see Gehrig, column 2, lines 25-31) *and* in order to provide a system for the wireless transmission of multiple information signals utilizing digital time division circuits between a base station and subscriber stations (see Paneth, column 1, lines 20-23) *and* in order to prevent collision (see Serikawa, column 36, lines

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49-58) *and* in order to prevent unauthorized usage of device *and* in order to provide a system for communication efficiency and minimizing the effect of multipath interference (see Jandrell, Abstract).

On pages 15 and 16 of applicant's remarks, applicant argues that Serikawa does not teach tearing down a data traffic channel used by the transceiver unit in response to detecting that the power failure has occurred and the combination of Canada and Serikawa do not suggest detecting a power failure and tearing down a wireless data traffic channel in response to the power failure detection.

In response, Serikawa does indeed teach tearing down a data traffic channel used by the transceiver unit in response to detecting that the power failure has occurred and the combination of Canada and Serikawa do not suggest detecting a power failure and tearing down a wireless data traffic channel in response to the power failure detection (column 36, lines 49-58, see "after" and see "stop". In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

On pages 17 and 18 of applicant's remarks, applicant argues that "even if one were to combine the references in the manner suggested in the Office Action, they do not teach or suggest the claimed invention" and "These processes do not teach polling in response to the detection of a communication failure".

In response, Gehrig does indeed teach polling in response to the detection of a communication failure (see column 6, lines 33-49, see "*polling transmitted*" and "*once...undesired interruptions of communication occur* ") and the combination of

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Canada and Gehrig does indeed teach applicant's claimed invention. In addition, applicant's attention is directed to the teaching of Canada and Gehrig in claims 22-25.

On pages 17-19 of applicant's remarks, applicant argues that Poisner does not teach or even suggest that any response is sent at a random point in time *and* the combination of Canada and Poisner does not teach or suggest the claimed invention.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Canada teaches receiving information from each available wireless transceiver unit at random points in time (column 14, lines 14-17, see "at any time") and the combination of Canada and Poisner does indeed teach teaches applicant's claimed invention. In addition, applicant's attention is directed to the teaching of Canada and Poisner in claim 26.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and further in view of Pearson (US 6,885,862).

Regarding claims 1 and 9, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see column 1 lines 15-23), the polling method comprising: receiving an information request message over a wireless communication channel (see column 9, lines 30-43 and column 10, lines 36-57 and column 15, lines 45-63), sending information in response to the information request message (also see column 10, lines 36-57 and column 15, lines 45-63).

Canada does not specifically disclose repeating the receiving and sending on a regular basis.

Fiorletta teaches repeating the receiving and sending on a regular basis (see column 8, lines 62-67, column 9, lines 57-61 and column 14, lines 4-10, and fig.6, wireless connection between antennas 503 and 603).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Fiorletta into the system of Canada in order to warn a driver of a vehicle of low pressure in one or more of it's tires so that the driver may take corrective action before a tire blowout occurs (see Fiorletta, Abstract).

The combination of Canada and Fiorletta does not specifically disclose the wireless transceiver unit and the wireless base unit capable of communication over a

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wireless control channel and a wireless data traffic channel, receiving an information request message over the control channel, sending information over the control channel in response to the information request message.

Pearson teaches the wireless transceiver unit and the wireless base unit capable of communication over a wireless control channel and a wireless data traffic channel (see Abstract, column 3, lines 22-37, column 3, lines 48-61), receiving an information request message over the control channel (see column 5, lines 55-61), sending information over the control channel in response to the information request message (see Abstract, column 3, lines 22-61).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Pearson into the system of Canada and Fiorletta in order to provide non-volatile storage of a partial program within each wireless subscriber terminal so that the wireless subscriber terminal need not receive an entire program in a single session (see Pearson, Abstract).

4. Claims 2, 3, 5, 8, 10, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and further in view of Pearson (US 6,885,862) and Patel (US 5,315,636).

Regarding claims 2, 3, 5, 10, 11 and 14, the combination of Canada, Fiorletta and Pearson teaches claim 1. The combination of Canada, Fiorletta and Pearson does not specifically disclose polling is initiated in response to a detected problem.



Patel teaches polling is initiated in response to a detected problem (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of Canada, Fiorletta and Pearson in order to enable a caller to contact a system subscriber at any location (see Patel, column 1, lines 1-12).

Regarding claims 8 and 17, Canada further teaches the information request message comprises data indicative of a requested information type and the information sent corresponds to the requested information type (see column 9 lines 30-43).

Regarding claim 15, Canada further teaches receiving the information from each one of the wireless transceiver units at random points in time (see abstract, "the system is communicating at any given time").

Regarding claim 16, Canada further teaches sending the polling request message comprises broadcasting it for receipt by a plurality of wireless transceiver units (see column 9, lines 30-43), the polling method further comprising: receiving information from each one of the wireless transceiver units at random points in time over a shared channel (see column 14, lines 14-17, and see fig.1, link between box 6 and 8a, and link between 6 and 8c).

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and Pearson (US 6,885,862) and further in view of Gehrig (US 5,937,358).

Regarding claims 4 and 12, the combination of Canada, Fiorletta and Pearson teaches claims 1 and 9 and initiating the repeated receiving and sending in response to detecting the communication failure (see Fiorletta, column 8, lines 62-67, column 9, lines 57-61 and column 14, lines 4-10). The combination of Canada, Fiorletta and Pearson does not specifically disclose detecting a communication failure on traffic channel.

Gehrig teaches detecting a communication failure on traffic channel (see column 6, lines 33-49).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Gehrig into the system of Canada, Fiorletta and Pearson in order to provide a method and device for communication in traffic guidance systems in that the data and voice channels reserved for traffic operation can be better utilized (see Gehrig, column 2, lines 25-31).

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and Pearson (US 6,885,862) and further in view of Paneth et al (US 6,014,374).

Regarding claims 6 and 7, the combination of Canada, Fiorletta and Pearson teaches claim 1. The combination of Canada, Fiorletta and Pearson does not specifically disclose delaying a random period of time prior to sending the information.

Paneth teaches delaying a random period of time prior to sending the information (see column 21, lines 59-62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Paneth into the system of Canada, Fiorletta and Pearson in order to provide a system for the wireless transmission of multiple information signals utilizing digital time division circuits between a base station and subscriber stations (see Paneth, column 1, lines 20-23).

7. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Fiorletta (US 5,289,160) and Pearson (US 6,885,862) and further in view of Serikawa et al (US 6,347,092).

Regarding claim 13, the combination of Canada, Fiorletta and Pearson teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see Canada, abstract and column 1, lines 15-23), the polling method comprising: detecting that a communication failure involving a wireless transceiver unit has occurred (see Canada, column 14, lines 53-56 and column 16, lines 18-48) and initiating the repeated receiving and sending (see Fiorletta, column 8, lines 62-67, column 9, lines 57-61 and column 14, lines 4-10).

The combination of Canada, Fiorletta and Pearson does not specifically disclose tearing down a data traffic channel used by the transceiver unit in response to detecting.

Serikawa teaches tearing down a data traffic channel used by the transceiver unit in response to detecting (see column 36, lines 49-58 and see column 19, lines 17 to column 20, lines 1. In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

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Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Canada, Fiorletta and Pearson in order to prevent collision (see Serikawa, column 36, lines 49-58).

8. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Serikawa et al (US 6,347,092) and further in view of Patel (US 5,315,636).

Regarding claim 18, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see abstract and column 1, lines 15-23), the polling method comprising: detecting that a power failure involving a wireless transceiver unit has occurred (see column 14, lines 53-56 and column 16, lines 18-48).

Canada does not specifically disclose tearing down a data traffic channel used by the transceiver unit in response to detecting that the power failure has occurred.

Serikawa teaches tearing down a data traffic channel used by the transceiver unit in response to detecting that the power failure has occurred (column 36, lines 49-58, see "after" and see "stop". In addition, see Applicant's remarks dated 07/26/2004, page 13, lines 13-14).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Serikawa into the system of Canada in order to prevent collision (see Serikawa, column 36, lines 49-58).

The combination of Canada and Serikawa does not specifically disclose polling the wireless transceiver unit for information in response to detecting that the power failure has occurred.

Patel teaches polling the wireless transceiver unit for information in response to detecting that the power failure has occurred (see column 3, lines 15-25 and column 10, lines 24-44).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Patel into the system of Canada and Serikawa in order to rationalized the data processing by transmit the accumulated data (see Patel, column 1, lines 1-12).

Regarding claim 19, Canada further teaches polling comprises polling for information on a periodic basis (see column 16, lines 18-22).

Regarding claim 20, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit over a control channel (see column 9, lines 30-43 and column 10, lines 45-57).

Regarding claim 21, Canada further teaches polling comprises sending an information request message (see column 9, lines 30-43) to the wireless transceiver unit and receiving information from the wireless transceiver unit, if available, in response to sending the information request message (see column 10, lines 36-44).

9. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Gehrig (US 5,937,358).

Regarding claim 22, Canada teaches a polling method for use in communicating information from a plurality of wireless transceiver units to a wireless base unit (see fig.1 and see column 10, lines 21-56), the wireless transceiver units and wireless base unit having one or more data traffic channels available for communicating high speed data there between (see fig.1).

Canada does not specifically disclose detecting, on a data traffic channel, a communication failure involving a wireless transceiver unit, and polling the wireless transceiver unit for information in response to detecting the communication failure on the data traffic channel.

Gehrig teaches detecting, on a data traffic channel, a communication failure involving a wireless transceiver unit, and polling the wireless transceiver unit for information in response to detecting the communication failure on the data traffic channel (see column 6, lines 33-49, see "*polling transmitted*" and "*once...undesired interruptions of communication occur*").

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Gehrig into the system of Canada in order to provide a method and device for communication in traffic guidance systems in that the data and voice channels reserved for traffic operation can be better utilized (see Gehrig, column 2, lines 25-31).

Regarding claim 23, Canada further teaches polling comprises polling for information on a periodic basis (see column 16, lines 18-22).

Regarding claim 24, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit over a control channel (see column 9, lines 30-43 and column 10 lines 45-57).

Regarding claim 25, Canada further teaches polling comprises sending an information request message to the wireless transceiver unit; and receiving information from the wireless transceiver unit, if available, in response to sending the information request message (see column 9, lines 30-43 and column 10, lines 36-44).

10. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Poisner (US 6,108,785).

Regarding claim 26, Canada teaches a polling method for use in communicating information from a plurality of wireless transceiver units to a wireless base unit (see fig.1 and see fig.2, antenna 406 for wireless connection), the wireless transceiver units and wireless base unit having a broadcast channel available there between (also see fig.1), the polling method comprising: sending an information request message over a broadcast channel for receipt by a plurality of wireless transceiver units (see column 10, lines 36-57 and column 15, lines 45-63), and receiving information from each available wireless transceiver unit at random points in time (column 14, lines 14-17, see "at any time") over a shared channel (see column 11, lines 48-51 and (see column 14, lines 14-17, and fig.1, link between box 6 and 8a, and link between 6 and 8c).

Canada does not specifically disclose receiving information in response to sending the information request message.

Poisner teaches receiving information in response to sending the information request message (see column 3, lines 9-17 and column 3, lines 59-67).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Poisner into the system of Canada in order to prevent unauthorized usage of device.

Regarding claim 27, Canada further teaches the information comprises status information (see column 10, lines 36-44).

Regarding claim 28, claim 28 is rejected with a similar reason as set forth in claim 26 above.

11. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al (US 6,301,514) in view of Jandrell (US 5,526,357).

Regarding claims 29 and 31, Canada teaches a polling method for use in communicating information from a wireless transceiver unit to a wireless base unit (see fig.1), the polling method comprising: receiving an information request message over a broadcast channel (see column 9, lines 30-43 and column 10 lines 45-57), delaying (see column 14, lines 23-31) for a random of time (column 14, lines 14-17, see "at any time", and sending information corresponding to the information request message (see column 9, lines 30-43) over a shared channel after delaying (see column 12, lines 47-51, column 10, lines 36-57 and column 15, lines 45-63). Canada does not specifically disclose delaying for a period of time in response to receiving the information request message.



Jandrell teaches delaying for a random period of time in response to receiving the information request message (see column 29, lines 5-9).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to provide the teaching of Jandrell into the system of Canada in order to provide a system for communication efficiency and minimizing the effect of multipath interference (see Jandrell, Abstract).

Regarding claims 30, Canada further teaches the information comprises status information (see column 10, lines 36-44 and column 15, lines 37-40).

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly



CHARLES APPIAH  
PRIMARY EXAMINER